

**THE COMMONWEALTH OF MASSACHUSETTS**

**TOWN OF WEST TISBURY**  
**ZONING BOARD OF APPEALS**

**DECISION OF THE BOARD OF APPEALS ON THE PETITION OF Kevin Cusack *filed with the West Tisbury Town Clerk on April 7, 2020 ZBA Case File 2020-07***

**Applicant:** Kevin Cusack, PO Box 934, Oak Bluffs, MA 02557

**Property Owner:** Kevin J. Cusack and Constance E. Corsiglia, whose title to the property is recorded at the Dukes County Registry of Deeds and described in Book 1365 Page 194, dated December 30, 2014.

**Agent:** Reid G. Silva, Vineyard Land Surveying and Engineering

**Locus:** 22 Scotchman's Ln., West Tisbury, MA, Assessors Map 25 Lot 9, RU district, 2.87 acres.

**Plans:** 1) Site Plan prepared by Vineyard Land Surveying dated March 26, 2020.  
2) Floor plans and elevations prepared by Owner.  
All plans on file at the Zoning Board of Appeals office.

**Notice:** Certified abutters notified on March 11<sup>th</sup>, 2020 and legal notice advertised in the Martha's Vineyard Times on March 12<sup>th</sup> and 19<sup>th</sup>, 2020.

**Hearing & Request:** A Public Hearing on an Application for a Special Permit from Kevin Cusack to construct a 2,493 sf. barn for garage storage and wood shop with a 1,232 sf. roof overhang to serve as an outdoor covered work area located on a non-conforming lot in the Major Roads Zone, Map 25 Lot 9, 22 Scotchman's Ln. RU District.

**Requirement:** *Sections 11.2-2 and 3.3 of the Zoning Bylaws*

**Present:** Nancy Cole, Larry Schubert, Julius Lowe, Deborah Wells, John Rau & Andy Zaikis.

**Decision:** On March 26, 2020 the Zoning Board of Appeals voted to GRANT a Special Permit with CONDITIONS to allow construction of a 2,493 sf. barn for garage storage and wood shop with a 1,232 sf roof overhang to serve as an outdoor covered work area designated for Agricultural Use on a non-conforming lot in the Major Roads Zone.

**Vote to Approve:** Nancy Cole, Larry Schubert, Julius Lowe, Deborah Wells, John Rau & Andy Zaikis.

**Findings:** 1) In reference to Section 9.2-2 (C), Review Criteria for Large Scale Structures, the shed portion of the structure is labeled and intended to be used for Agriculture.  
2) No correspondence was received.  
3) The plans will be submitted to the Planning Board for review.

4) The application complies with Section 9.2-2 Review Criteria, of the Zoning Bylaws.

**Conditions:** 1) The total height of the structure including the Cupola must not exceed 30'.  
2) Revised plans showing the reduced height of the structure must be submitted and approved by the Zoning Board of Appeals prior to the issuance of a Building Permit.

**NOTE WELL: It is understood that the applicant will obtain all other permits or authorizations required by the Town of West Tisbury before proceeding with any work.**

**NO VARIANCE OR SPECIAL PERMIT SHALL TAKE EFFECT UNTIL:**

1. **A period of twenty days has elapsed from the date of the filing of the Board's written Decision with the Town Clerk**, and the applicant has received a copy of the Decision bearing the certification of the Town Clerk that a period of twenty days has elapsed from the filing of the Decision and that no appeal has been filed, or the appeal has been denied or dismissed. The **Certified Decision** is recorded at the Dukes County Registry of Deeds and the recording fee has been paid at the Dukes County Registry of Deeds. **Only Original Documents will be accepted at the Registry.**
2. A receipt for the recording stamped by the Dukes County Registry of Deeds has been returned to the **Building & Zoning Inspector of West Tisbury** or to the office of the **West Tisbury Board of Appeals** who will turn over the receipt to the Building and Zoning Inspector.
3. **The applicants may proceed with applying to the appropriate Town of West Tisbury Officers and Boards for any other development permits which may be required by law.**

Any person aggrieved by the Decision of the West Tisbury Board of Appeals may appeal to Superior Court and must notify the Town Clerk of the action and submit a copy of the complaint within twenty days after the decision has been filed in the office of the Town Clerk.

A Special Permit shall lapse in 2 years if not utilized. A Variance shall lapse in one year if not utilized.

The Building and Zoning Inspector may approve at his discretion, minor changes that come up during the building process. All major changes to the plans or significant material changes must be approved by the Zoning Board of Appeals. Please consult with the Inspector regarding any change. Failure to do so may nullify your permit and may require removal of the unapproved construction.

**NOTE WELL: It is understood that the applicant will obtain all other permits or authorizations required by the Town of West Tisbury before proceeding with any work.**

Filed with the West Tisbury Town Clerk on April 7, 2020

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I certify that no appeal has been made \_\_\_\_\_